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November 4, 2024

VIA ECF

Hon. James R. Cho, U.S.M.J.
United States District Court Eastern District of New York
225 Cadman Plaza East, Courtroom 11D South
Brooklyn, NY 11201-1804

Re: IME WatchDog, Inc. v. Gelardi, et al.
Case No.: 1:22-cv-1032 (PKC) (JRC)

Dear Judge Cho:

This office, along with Sage Legal LLC, represents the Plaintiff IME WatchDog, Inc. (“Plaintiff”) in the above-referenced case.

On October 18, 2024, in a text Order, this Court ordered non-parties Christian Hogarth, Fari Gutierrez, Lizbeth Medina, Mark Purficati, and Sara Gonzalez (collectively the “non-parties”) to respond by November 1, 2024 to Plaintiff’s October 17, 2024 motion to compel regarding the non-parties failure to respond to subpoenas that were served on them in April and May, 2024 seeking the production of documents relevant to Plaintiff’s claims in this case (ECF Docket Entry [405](#)). The non-parties failed to comply with the October 18, 2024 Order and have not responded in any regard to Plaintiff’s October 17, 2024 motion to compel.

Under the Federal Magistrates Act, where a person has committed an act constituting contempt in a proceeding before the magistrate judge

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

28 U.S.C. § 636(e)(6)(B)(iii).

Accordingly, Plaintiff respectfully requests that this Court certify to the Honorable Pamela K. Chen that the non-parties are in contempt of this Court's October 18, 2024 Order, are in contempt with regard to their failure to respond to the subpoenas, and require the non-parties to appear before the Honorable Pamela K. Chen upon a day certain to show cause why they should not be adjudged in contempt by reason of the facts so certified.

Dated: Lake Success, New York
November 4, 2024

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Jamie S. Felsen, Esq.

Dated: Jamaica, New York
November 4, 2024

SAGE LEGAL LLC

/s/ Emanuel Kataev, Esq.

cc: All Counsel of Record (via ECF)
Christian Hogarth (via email)
Fari Gutierrez (via email)
Lizbeth Medina (via email)
Mark Purficati (via email)
Sara Gonzalez (via email)